Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

MISCELLANEOUS APPEAL NO. 115 /2005

CR 124/2005

APPELLANT
JUDGMENT DEBTOR

Mohanlal Chouhan,
Aged about 72 years,
S/o. Shri Narsingh Chouhan,
R/o. Rajaram Chaal, Station
Road, Raipur (C.G.)

V E R S U S

RESPONDENTS
DECREE HOLDERS

R-1(A). Bhaskar Mishra,
Aged about 15 years,
R-1(B). Diwakar Mishra,
Aged about 13 years,
R-1(C). Sudhakar Mishra,
Aged about 11 years,

All S/o. Shri Vidyadhar
Mishra, Through their
Guardian Shri Vidyadhar
Mishra, S/o. Late Shri
Satyadev Mishra,
R/o. Station Road,
Raipur (C.G.)

R-2. Vidyadhar Mishra,
Aged about 52 years,
S/o. Late Shri Satyadev
Mishra, R/o. Station Chowk
(Road), Raipur (C.G.)

P.R. No. 23361 R.S.
Presented by Shri A. Barar Khan
dated 23/12/05

MISC. APPEAL UNDER ORDER 43 RULE 1(d) READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... C.R. 124 ..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.10.2006 Shri Rakesh Dubey, learned counsel for the applicant. Shri P.P. Sahu, learned counsel for respondents. Heard. This civil revision under Section 115 of the C.P.C. is directed against the impugned order dated 26.7.2005 passed by District Judge, Raipur by which the order passed by the trial Court rejecting the application of the applicant under Order 9 Rule 13 of the C.P.C. for setting aside the ex-parte decree has been further affirmed. However, learned counsel for the applicant fairly submits that this civil revision is not maintainable in view of the proviso to Section 115 of the C.P.C. and he does not press the same. He also prays for liberty to file appropriate proceedings available under the law. In view of the above, the revision is dismissed as not pressed with liberty as prayed for. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.